

CHAPTER NO. 382

SENATE BILL NO. 700

By Cohen, Kilby

Substituted for: House Bill No. 306

By Kernell

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 50, relative to sick leave.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following new section at the end thereof:

8-50-8____. (a) Notwithstanding the provisions of § 8-34-604 to the contrary, any department, commission, or agency of state government or any other employer that participates in the Tennessee consolidated retirement system whose sick leave records were lost or destroyed may certify unused sick leave days to the Tennessee consolidated retirement system for credit pursuant to § 8-34-604, provided that:

(1) the employee, on whose behalf the employer is providing the certification, supplies the employer with an affidavit stating as nearly as possible the number of unused sick leave days to the employee's credit at the time the employee left the employ of the employer;

(2) at least one current or former co-worker of the employee supplies the employer with an affidavit certifying that the co-worker was familiar with the employee's attendance record at issue and that to the co-worker's best belief, the number of unused sick leave days contained in the employee's affidavit under subdivision (1) above is reasonable; and

(3) the employer operated a bona-fide, formal sick leave program during the course of the employee's employment for which the sick leave was earned; and

(4) the employer determines that the number of unused sick leave days contained in the employee's affidavit under subdivision (1) above is reasonable based on the terms of the employer's sick leave policy in effect during the employee's employment with the employer.

(b) Notwithstanding the provisions of § 8-50-809 or any other law to the contrary, this section shall apply to the board of trustees of the University of Tennessee system and the board of regents of the state university and community college system.

SECTION 2. The provisions of this act shall cease to be effective on July 1, 2010.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 24, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of June 2005


PHIL BREDESEN, GOVERNOR